

FILED
APR 25 2017
Clerk, U.S. District Court
District Of Montana
Billings

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUDOLPH L. SHANE, SR.,

Defendant.

CR 12-27-BLG-SPW

ORDER GRANTING
DEFENDANT'S MOTION FOR
EARLY TERMINATION OF
PROBATION

On April 18, 2017, Defendant Rudolph Shane, Sr., filed a motion seeking early termination of his five-year term of probation. (Doc. 60). Rudolph's probation is scheduled to terminate on April 10, 2018. (Doc. 61 at 2).

The Court may, after considering the factors set forth in 18 U.S.C. § 3553(a), terminate a term of probation if the Court is satisfied that "such action is warranted by the conduct of the defendant and the interest of justice." 18 U.S.C. § 3564(c). In the analogous context of a request for early termination of supervised release, district courts enjoy "broad discretion in determining whether to grant [the] motion to terminate." *U.S. v. Emmett*, 749 F.3d 817, 819 (9th Cir. 2014).

Shane, Sr., has maintained steady employment during his period of probation. He is 69 years old, and while his employment recently ended in December 2016, he anticipates being rehired in the same capacity in May 2017. Moreover, Shane, Sr. has been fully compliant with the terms of his probation over

the last four years. Considering the § 3553(a) factors, early termination of Shane's probation is warranted by his conduct over the last four years, his steady employment and compliance, and in the interests of justice.

Accordingly, IT IS HEREBY ORDERED that Shane, Sr., motion for early termination of probation (Doc. 60) is GRANTED.

DATED this 25 day of April, 2017.



Susan P. Watters
United States District Court